

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT MICHIGAN**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Case No.: 18-cv-11148-MOB-SDD
)	
v.)	
)	
JOHN DOE subscriber assigned IP)	
Address 24.192.133.52,)	
)	
Defendant.)	
)	

**PLAINTIFF’S SECOND MOTION FOR EXTENSION OF TIME WITHIN
WHICH IT HAS TO SERVE JOHN DOE DEFENDANT WITH A
SUMMONS AND AMENDED COMPLAINT**

Pursuant to Fed. R. Civ. P. 4(m), Plaintiff, Malibu Media, LLC, move for entry of an order extending the time within which Plaintiff has to serve the John Doe Defendant with a Summons and Amended Complaint, and states:

1. Plaintiff commenced this action against the internet subscriber assigned IP 24.192.133.52 (“Defendant”) on April 10, 2018, at which time it filed a complaint alleging that Defendant copied and distributed one or more of Plaintiff’s copyrighted works, all without Plaintiff’s consent. *See* CM/ECF 1. Plaintiff asserted a claim for direct copyright infringement, and requested that Defendant delete and permanently remove, and be enjoined from continuing to infringe, Plaintiff’s copyrighted works. *See id.*

2. On March 2, 2018, Plaintiff was granted leave to serve a third-party

subpoena on Defendant's ISP, Wide Open West, to obtain the Defendant's identifying information [CM/ECF 5]. Plaintiff issued the subpoena on March 5, 2018 and received the ISP's response on or about June 19, 2018.

3. Upon receipt of the subscriber's identifying information, Plaintiff began its investigation to determine if the subscriber was indeed the infringer. Plaintiff is in the process of preparing its Amended Complaint to name the Defendant.

4. Pursuant to this Court's Order dated July 10, 2018, Plaintiff is required to effectuate service by August 20, 2018. Because Plaintiff is currently in the process of preparing its Amended Complaint, Plaintiff is unable to comply with the current deadline.

5. Procedurally, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant be extended until at least forty (40) days, or until September 26, 2018.

6. This motion is made in good faith and not for the purpose of undue delay.

7. None of the parties will be prejudiced by the granting of this extension.

WHEREFORE, Plaintiff respectfully requests that the time within which it has to effectuate service of the summons and Amended Complaint on Defendant

be extended until September 26, 2018. A proposed order will be submitted through the utilities feature per the local court rule.

Dated: August 17, 2018

Respectfully submitted,

By: /s/ Joel A. Bernier
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CERTIFICATE OF COMPLIANCE

Pursuant to E. D. Mich. LR 5.1(a) I hereby certify that the foregoing has been prepared using one of the font and point selections approved by the Court in E. D. Mich. LR 5.1(a)(3). This document was prepared using Times New Roman (14 pt.).

/s/ Joel A. Bernier

By: JOEL A. BERNIER (P74226)

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2018, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Joel A. Bernier

